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*DAC*  
**RECEIVED**

**FEB 20 2004**

**OFFICE OF PETITIONS**

February 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450  
Attention: Office of Petitions

Re: U.S. Patent Application Serial No. 09/631,238 for System  
and Method for List Shopping Over a Computer Network

Dear Sir:

Enclosed for filing in connection with the above-identified, please find the following items:

1. Petition to Revive Under 37 C.F.R. 1.137(a);
2. Request for Two Month Extension of Time;
3. check in the amount of \$265.00 to cover the Petition Fee and the Extension Fee; and
4. a stamped, self-addressed postcard.

Please stamp and return the postcard to the undersigned upon receipt in the Patent Office. Thank you.

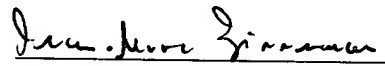
Respectfully submitted,

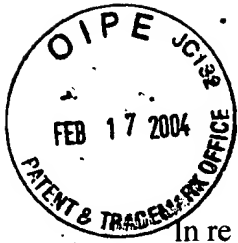
Jean-Marc Zimmerman  
Registration No. 36,978

JMZ/id  
enclosures

Certificate of Mailing

I hereby certify that on February 4, 2004, I sent a Petition to Revive Under 37 C.F.R. 1.137(a), a Request for Two Month Extension of Time, a check in the amount of \$265.00 to cover the Petition Fee and the Extension Fee, and a stamped, self-addressed postcard in connection with Patent Application Serial No. 09/631,238 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22331-1450 by first class mail.

  
\_\_\_\_\_  
Jean-Marc Zimmerman



A10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Lin-Hendel

Group Art Unit: 3625

Serial No. 09/631,238

Examiner: Matthew S. Gart

Filed: August 2, 2000

Date: February 3, 2004

For: System and Method for List  
Shopping Over a Computer  
Network

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.137(a) TO  
REVIVE ABANDONED APPLICATION

Jean-Marc Zimmerman declares as follows:

1. I am an attorney at law licensed to practice before the U.S. Patent and Trademark Office. My registration number is 36,978.

2. I am submitting this Petition to Revive in response to a Decision dated October 31, 2003 denying my Petition to Waive Rule Under 37 C.F.R. 1.183 and Withdraw the Holding of Abandonment ("Petition to Waive") filed May 22, 2003.

3. I filed the above-identified application on August 2, 2000.

4. On or about September 9, 2002, I received an Office Action from the U.S. Patent and Trademark Office.

6. In response, on January 3, 2003, I prepared a responsive Amendment, and filed the same in the Patent Office by First Class Mail.

7. In early March, 2003, I received a telephone call from Ms. Phyllis Davis of the U.S. Patent and Trademark Office ("Patent Office") who advised me that I had failed to file a Petition for an Extension of Time to Respond ("Petition") and pay the requisite Extension Fee when I filed the aforementioned Amendment. She then advised me that the Extension Fee that had to be paid was \$55.00, and that I could submit the \$55.00 fee together with the Petition to the Patent Office in response to her call. I never received written correspondence from the Patent Office regarding either the inadvertent failure to pay the extension fee, or my subsequent telephone conversation with Ms. Davis.

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02/20/2004 55.00 CP

8. On March 14, 2003, I mailed the Request for a One Month Extension of Time ("Request") and the Extension Fee to the Patent Office by Express Mail.

9. In early May, 2003, Mr. Jeffrey Smith of the Patent Office contacted me by telephone and advised me that the subject application had gone abandoned because the proper Extension Fee had not been paid. Thereafter, I received an Interview Summary and a Notice of Abandonment.

10. In response, on May 22, 2003, I filed the aforementioned Petition to Waive.

11. In its Decision denying the Petition to Waive, the Patent Office stated that "there is no requirement on the part of the Office to inform applicant of fee deficiencies, although an attempt will be made to inform the applicant if noticed in time to avoid abandonment of the application. Further, the payment of the fee for an extension of time must be filed before the expiration of the period for response."

12. Although there is no requirement on the part of the Patent Office to inform applicant of fee deficiencies, the applicant was so notified in this case. It follows that the applicant should be able to rely upon instructions received from a Patent Office employee regarding what fee should be paid and when it should be paid. This is especially true in this case where it was the Patent Office employee who, unsolicited, contacted applicant's counsel to advise him that the extension fee had not been paid. If the applicant can not rely upon instructions it (or its legal counsel) receive from a Patent Office employee who contacts said counsel on behalf of the Patent Office, then it follows that any information received by an applicant from a Patent Office employee is suspect and is not to be relied upon. Such a scenario would negatively impact the efficient operation of the Patent Office since applicants would be wary of relying upon advice received from Patent Office employees, which in turn would make it difficult if not impossible for Patent Office employees to conduct business with applicants.

13. Given that I filed both the Request and the Extension Fee (in the amount of \$55.00) in the Patent Office pursuant to instructions given to me by an employee of the Patent Office (Ms. Davis) who called me to advise me that the Request and the fee had to be paid, and given that the applicant would have timely paid a greater extension fee had it been advised to do so, the abandonment was unavoidable, and the application should be revived under 37 C.F.R. 1.137(a). The applicant encloses herewith the appropriate Petition Fee, together with a Request for a Two Month Extension of Time to Respond and the appropriate extension fee.

14. All statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true; and that further these statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and may jeopardize the validity of the application or document or any registration issuing therefrom.

Jean-Marc Zimmerman

Jean-Marc Zimmerman, Esq.

Reg. No. 36,978

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Dated: February 3, 2004  
Westfield, New Jersey